

FILED
HARRISBURG, PA
OCT 25 2002

UNITED STATES DISTRICT COURT
FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA

MARY E. D'AMORE
Per *[Signature]* Deputy Clerk

KENNETH ALAN SHIFFER, :
 :
 Petitioner :
 : CIVIL NO. 1:CV-00-1829
 v. :
 : (Judge Caldwell)
 BEN VARNER, et al., :
 :
 Respondents :
 :

O R D E R

THE BACKGROUND OF THIS ORDER IS AS FOLLOWS:

Petitioner, Kenneth Alan Shiffer, filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 challenging his 1988 conviction for second-degree murder in the Court of Common Pleas of Columbia County, Pennsylvania, for which he received a sentence of life imprisonment. By Memorandum and Order filed August 1, 2002, we denied Shiffer's petition. We also refused to issue a certificate of appealability. Shiffer has appealed to the Third Circuit.

We are considering Shiffer's Motion to Proceed *in forma pauperis* on appeal. (Doc. 26). Shiffer has submitted a declaration in support of his request stating that as of August 21, 2002, his prison account contained \$510.80. (Doc. 26). A certificate from SCI-Dallas' accounting division confirms Shiffer's financial status and notes "the petitioner herein has the sum of

\$510.80 on account to his credit" as of August 22, 2002. Based upon this amount, the application for *in forma pauperis* status will be denied.

AND NOW, this 25th day of October, 2002, it is ordered that petitioner's motion to proceed *in forma pauperis* on appeal (doc. 26), is denied.

A handwritten signature in black ink, reading "William W. Caldwell". The signature is written in a cursive style with a horizontal line underneath it.

William W. Caldwell
United States District Judge